

**United States District Court**  
For the Northern District of California

12 JOHN S. RHINE,

) No. C 08-03939 JF (PR)

13 Petitioner,

) ORDER OF DISMISSAL

14 vs.

15 ATASKADERO MANAGEMENT -  
16 SMH, et al.,

17 Respondent(s).

19  
20 On August 18, 2008, Petitioner filed this pro se petition for a writ of habeas  
21 corpus pursuant to 28 U.S.C. § 2254. On that same day, the clerk of the Court sent a  
22 notification to Petitioner that his petition was deficient because he did not pay the  
23 filing fee or file an in forma pauperis application. The notification included the  
24 warning that the case would be dismissed if Petitioner failed to respond within thirty  
25 days. Along with the notice, the clerk provided a copy of the court's in forma  
26 pauperis application, a Certificate of Funds in Prisoner's Account form, and a return  
27 envelope. On September 10, 2008, Petitioner filed an in forma pauperis application  
28 without attaching a Certificate of Funds in Prisoner's Account and a copy of his

1 prisoner trust account statement showing transactions for the last six months. With  
2 the deficient application, Petitioner requested an extension of time to file the missing  
3 documents. The Court granted the request, such that Plaintiff had until October 18,  
4 2008 to complete his in forma pauperis application by providing the necessary  
5 documents. The deadline has since passed, and Plaintiff has not paid the filing fee  
6 nor filed the necessary documents to complete his in forma pauperis application.  
7 Accordingly, this case is DISMISSED without prejudice for failure to pay the filing  
8 fee or file a completed in forma pauperis application.

9 The Clerk shall terminate any pending motions and close the file.

10 IT IS SO ORDERED.

11 DATED: 11/14/08



12 JEREMY FOGEL  
13 United States District Judge